

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, APRIL 4, 2000**  
**COUNTY COMMISSIONERS CHAMBERS**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Gwen Thorpe, Deputy County Clerk

Absent: Bruce Medcalf, County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 28, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

**MOTION:** Heier moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated March 28, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 23 additions and deductions to the tax assessment rolls per Exhibit "A".**

**MOTION:** Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Clyde Malone Community Center  
First Evangelical Covenant Church  
Glad Tidings Assembly of God Church  
Nebraska SPF Swine Accrediting Agency, Inc.  
Women In Community Service, Inc.**

**MOTION:** Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Clyde Malone Community Center, First Evangelical Covenant Church, Glad Tidings Assembly of God Church, Nebraska SPF Swine Accrediting Agency, Inc. and Women in Community Service, Inc. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization was adjourned.

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Bruce Medcalf  
County Clerk

**MINUTES**  
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**TUESDAY, APRIL 4, 2000**  
**COUNTY COMMISSIONERS CHAMBERS**  
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**1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Gwen Thorpe, Deputy County Clerk

Absent: Bruce Medcalf, County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 28, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated March 28, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, April 4, 2000.

**MOTION:** Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

- A. **The County-City Volunteer of the Month Award was presented to Joanne Ritzman for her services with the Election Commission Office.**
- B. **A resolution in the matter of proclaiming April 10 through April 14, 2000 as “Lancaster County Crime Victims’ Rights Week” (R-00-34) - Joanna Svoboda, Victim Witness Unit Administrator and Kathy Stevenson, Assistant Administrator**

**MOTION:** Heier moved and Hudkins seconded approval of Resolution 00-34.

The Chair read Resolution 00-34 recognizing April 10 through April 14, 2000 at “Lancaster County Crime Victims’ Rights Week” into the record.

Appearing were Joanna Svoboda, Victim Witness Unit Administrator, Jody Brott, Victim Witness advocate, Tara Stille, Intern with the Victim Witness Unit and Kathy Stevenson, Assistant Administrator.

Svoboda thanked the County Board as well as the County Sheriff and the Corrections Department for their support.

**ROLL CALL:** Steinman, Workman, Heier and Campbell and Hudkins voted aye.  
Motion carried.

4) **PUBLIC HEARINGS:**

- A. **County Board of Zoning Appeals, Appeal 110, requested by Britt J. Ehlers, on behalf of Todd Lewis, for a variance of the minimum lot area from 20 acres to 13.09 acres, on property generally located at 20750 U.S. Highway 77 in Lancaster County, Nebraska.**
- B. **County Board of Zoning Appeals, Appeal 111, requested by Britt J. Ehlers, on behalf of Todd Lewis, for a variance of the minimum lot area from 20 acres to 9.25 acres, a variance of the average lot width from 550 feet to 478.85 feet and a variance of the minimum frontage from 550 feet to 478.85 feet, on property generally located at 20900 U.S. Highway 77 in Lancaster County, Nebraska.**

The Chair opened the public hearings and asked if anyone wished to testify in favor of the appeals.

4) **PUBLIC HEARINGS:**

The Deputy Clerk administered the oath to Britt Ehlers, 1201 Lincoln Mall.

Ehlers presented the applications on behalf of Todd Lewis and gave a brief background regarding the appeals. He explained that the entire piece of property was owned by LeRoy Lewis in the early 1970's. The owner at the time intended to create buildable, conveyable lots and in 1977 had the property surveyed. Those surveys were filed with the County Assessor, however, they were never filed with Register of Deeds. Ehlers stated that LeRoy Lewis believed that he had seven buildable, conveyable lots at the time and in 1995-1996 the property was conveyed to the elder Lewis' son, Todd. He noted that the property was declared unbuildable when the State Department of Roads was acquiring property for the widening of Highway 77. Ehlers stated during the process for the change of zone it was recommended that the zoning be changed from "AG" Agricultural to "AGR" Agricultural Residential which would allow three-acre lots to be built, however, that process was never completed. The title company, he said, filed a declaratory judgment action against the County, however, a compromise was reached in which Todd Lewis agreed to forego deeming the three lots as buildable.

Ehlers stated the applicant has had an extreme hardship placed on him due to the error. He stressed that Todd Lewis did nothing to make himself responsible for the situation.

Ehlers highlighted the following reasons which would be applicable in relation to a variance checklist distributed by the Planning Department:

1. Reasonable use of the property
2. Willingness to reduce the number of buildable lots
3. Applicant did not create situation
4. No negative impact on neighboring property values
5. Distinguishable from other individuals who have made the same error
6. Request doesn't harm the safety or public welfare

Ehlers requested that the hearing be recessed and scheduled for a Thursday staff meeting so that the applicant may appear. He noted that the County Board was briefed on the matter during their staff meeting of March 23<sup>rd</sup>, however, no notice was sent to him or Todd Lewis giving them the opportunity to appear.

In response to a question asked by Steinman, Ehlers stated the case against the title company has been resolved. He noted that a settlement was reached, however, those terms are confidential.

4) **PUBLIC HEARINGS CONTINUED:**

Workman asked if the lots are taxed as buildable or unbuildable lots.

Doug Cyr, Deputy County Attorney, stated the smaller acreage tracts are on the tax rolls and are being taxed as acreages. He noted Lots 26 and 25 are legal lots in that the State subdivision law requires a subdivision permit for any subdivisions of land less than ten acres in size. Cyr stated there is a difference between a legal lot and a buildable lot.

The Chair asked if anyone else wished to testify in favor of the applications.

No one appeared.

Cyr stated Lot 24 presently consists of 13.98 acres after the taking of right-of-way by the State Department of Roads. He stated at one point in time the lot consisted of 15.3 acres. He referred to a legal opinion written in 1999 by the County Attorney's Office in which it is noted that Lot 24 is both a buildable and a legal lot. It was also noted that Lot 16 is both a legal and buildable lot, Lot 25 consisting of 9.25 acres is a legal, non-buildable lot as well as Lot 26.

Mike DeKalb, Planning Department, gave a brief overview regarding the codes which applied to the property prior to 1979:

- < One acre was the minimum lot size for zoning
- < State subdivision law and County subdivision regulations reflected a five-acre threshold in relation to approval for creation of a parcel

In 1979, he explained, the County Board went on record stating any parcel filed with the Register of Deeds through a title transfer constitutes a public record making the property a buildable grandfathered lot.

In response to a question asked by Heier, DeKalb responded that the applicant did not receive notice of the March 23<sup>rd</sup> staff meeting in relation to the Board of Zoning Appeals, Appeal 110 and 111.

Campbell asked Cyr for his recommendation regarding the request to recess the hearing and schedule the Board of Zoning requests for a second staff meeting.

4) **PUBLIC HEARINGS CONTINUED:**

Cyr commented that he felt the County Board had done nothing illegal or in violation of the Open Meetings Law by discussing the item at their staff meeting and by not extending an invitation to the applicant. He stated that the County Board's public forum is on Tuesday. He added that if it is felt that more information is needed it would not be a bad idea to allow the applicant to present additional information, however, if it is not beneficial to the County Board there would be no reason to hold the hearing open or schedule for a staff meeting.

Workman stated he felt he had enough information to make a decision and indicated that the staff meetings are advertised to the public.

Steinman concurred.

Campbell asked if there was a reason why Todd Lewis did not attend the hearing.

Ehlers responded that Mr. Lewis was advised not to attend.

**MOTION:** Heier moved and Hudkins seconded to request that the public hearing be recessed for one week.

Steinman and Workman felt sufficient information had been presented and the hearing should be closed.

**ROLL CALL:** Hudkins, Steinman, Workman and Campbell voted no. Heier voted aye. Motion failed.

The Chair closed the public hearing.

**MOTION:** Steinman moved and Workman seconded to deny County Board of Zoning Appeals, Appeal 110 and Appeal 111 requested by Britt J. Ehlers on behalf of Todd Lewis. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

The Chair announced that the County Board would hear New Business Item 5A and then move New Business Item 5F forward on the agenda.

5) **NEW BUSINESS:**

**A. An application for public transportation assistance, in the amount of \$32,498, for the Lancaster County Rural Transit for Fiscal Year 2000-2001.**

Tim Howell, Lincoln Area Agency on Aging, stated the application is for \$15,000 of federal funding and \$17,498 of state funding and is for transportation for rural residents of the County.

**MOTION:** Hudkins moved and Steinman seconded approval. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

**F. Supplemental Agreement Number 4 with the City of Lincoln, Lancaster County and the State of Nebraska to have HWS Consulting Group, Inc. assume the prime consulting role in connection with the South and East Beltway Studies. (C-00-158)**

Roger Figard, Public Works and Utilities, explained that the three partners are agreeing and asking that the primary consultant role be transferred from Wilbur Smith to HWS. He stated the supplemental agreement is the formal acknowledgment of the transfer of the responsibility in giving HWS the authority to carry out the contract to its completion. Figard stated the only role of the agreement is to change the lead role of the prime consultant. The funding agreements and the schedules will remain in effect as previously scheduled.

Jim Linderholm, HWS Consulting Group, Inc., stated the draft environmental impact statement is due July 1, 2000. He added that the Federal Highway Administration may then review the statement prior to public comment and review.

**MOTION:** Hudkins moved and Steinman seconded approval.

Campbell noted for the record that Commissioner Heier has declared a conflict of interest and that she would be filing a form with the Accountability and Disclosure Commission because their business owns property in one of the east corridors and that she would be declaring a conflict of interest on any vote connected with the east beltway.

**ROLL CALL:** Workman, Hudkins and Steinman voted aye. Campbell and Heier abstained. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**B. A request for deletion to licensed premises from DLH Inc. dba/Coaches Sports Bar & Grill in connection with a Class M (Bottle Club) liquor license.**

The Chair requested that Item 5B be deferred one week to Tuesday, April 11, 2000 and to request the Clerk's Office to notify the applicant that the County Board would like to speak with him regarding the request.

By direction of the Chair, New Business Item 5B was deferred for one week to Tuesday, April 11, 2000.

**C. A contract addendum, code of conduct and Attestation of Exclusion and Conviction with and on behalf of Hospice Care of Nebraska. Hospice Care of Nebraska, operated by Beverly Enterprises, has been required to amend all existing contracts with vendors to meet the requirements of the Inspector General of the Department of Health and Human Services. (C-00-159)**

At the request of the County Attorney, New Business Item 5C was deferred for one week for further review.

**D. A contract with Rogge Engineering, Inc. for culvert construction, in the amount of \$164,868.45, beginning May of 2000 and ending August, 2000 at the following locations: (C-00-139)**

- < **Southwest 40<sup>th</sup> Street (Project C55-L-403(1))**
- < **Southwest 33<sup>rd</sup> Street and West Pleasant Hill Road (Project C55-O-405(1))**
- < **West Fletcher Avenue and West Adams Street (Project SRR-55(126))**
- < **Southwest 42<sup>nd</sup> Street and West Stagecoach Road (Project 00-30))**

**MOTION:** Workman moved and Hudkins seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**E. A contract with Minchow Construction, Inc. for grading construction, in the amount of \$277,358.06, beginning May 1, 2000 and ending September, 2000. (The contract also includes Project C55-L-403(1), C55-0-405(1) and SRR-55(126)). (C-00-145)**

**MOTION:** Heier moved and Hudkins seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**F. Supplemental Agreement Number 4 with the City of Lincoln, Lancaster County and the State of Nebraska to have HWS Consulting Group, Inc. assume the prime consulting role in connection with the South and East Beltway Studies. (C-00-158)**

This item was previously heard.

**G. An agreement with Lincoln School of Commerce regarding a work study program with the County Clerk's Office. The County will pay 50 percent of the hourly wage, including FICA. The agreement may be terminated with a 30 day written notice. (C-00-141)**

**MOTION:** Heier moved and Workman seconded approval. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

**H. An agreement with Lincoln School of Commerce regarding a work study program with Corrections. The County will pay 50 percent of the hourly wage, including FICA. The agreement may be terminated with a 30 day written notice. (C-00-140)**

**MOTION:** Hudkins moved and Steinman seconded approval. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

**I. Authorization of the installation of a "School Bus Stop Ahead" sign on Northwest 84<sup>th</sup> Street south of West Fletcher Avenue for southbound traffic approaching the house drive at 5101 Northwest 84<sup>th</sup> Street in Lancaster County, Nebraska. (R-00-33)**

**MOTION:** Hudkins moved and Steinman seconded approval of Resolution 00-33. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**J. A resolution in relation to a request to vacate a portion of a County road located on Liberty Lane between Cromwell Drive and Dawn Avenue in Lancaster County, Nebraska. (R-00-35)**

**MOTION:** Steinman moved and Heier seconded approval of Resolution 00-35 approving the request to vacate a portion of a County road located on Liberty Lane between Cromwell Drive and Dawn Avenue in Lancaster County, Nebraska. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

**K. Approval of assignment of obligations of Legal Services of Southeast Nebraska to Nebraska Legal Services under contract numbers 99-1275 and 99-2298 and authorization to send a letter to Legal Services of Southeast Nebraska signed by the County Board Chair. (M-00-24)**

**MOTION:** Steinman moved and Workman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

**L. Authorization for National Bank of Commerce, as Trustee, to disburse \$2,310.36 from the juvenile detention center bond proceeds to Olsson & Associates for surveying and street design services for the new juvenile detention facility and \$26,332.69 to the Building and Safety Department for building permits. (M-00-21)**

**MOTION:** Workman moved and Hudkins seconded approval. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

**M. A political subdivision tort claim filed against the Corrections Department by Wayne Archuleta, in the amount of \$21.29, for lost property.**

**MOTION:** Steinman moved and Heier seconded to accept the Director's recommendation and deny the claim filed against the Corrections Department by Wayne Archuleta because the claimant could not be located. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**N. Request to correct a clerical error in relation to the appointment of Pamela Carmichael to the Lincoln-Lancaster Women's Commission. The term should expire January 1, 2003 instead of March 1, 2003. (Appointment was approved by the County Board on March 14, 2000.)**

**MOTION:** Hudkins moved and Steinman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

**O. Appointments and reappointment of the following to the Lincoln-Lancaster County Board of Health:**

<b><u>Name of Individual</u></b>	<b><u>Expiration of Term</u></b>
<b>Betsy Palmer (reappointment)</b>	<b>April 15, 2003</b>
<b>Randy Ross (new appointment)</b>	<b>April 15, 2003</b>
<b>Ed Schneider (new appointment)</b>	<b>April 15, 2003</b>

The Clerk announced the New Business Item 5O was deferred for one week.

**P. Request from Gary Lacey to increase the salaries of Amy Jacobsen, Sarah McGowan, Lory Pasold and Bruce Prenda to correspond to their Attorney II promotions of February 22, 2000. Their salaries will be increased to \$50,456 per year, effective February 22, 2000.**

**MOTION:** Steinman moved and Heier seconded approval. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

**Q. Requests from the following individuals to participate in the Lancaster County Retirement Plan:**

- < Daryl Meyer, County Assessor's Office (M-00-22)**
- < Nancy Folkerts, Lancaster Manor (M-00-23)**
- < Pam Dillehay, Community Mental Health Center (M-00-25)**
- < Mark M. Coleman, Community Mental Health Center (M-00-26)**

**MOTION:** Steinman moved and Heier seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:
- A. **Setting of the following public hearings for Tuesday, April 18, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building:**
    - 1. **An application for a Class M (Bottle Club) liquor license from Merle's Food and Drink located at 8250 West "O" Street.**
    - 2. **An application for a Class M (Bottle Club) liquor license from D T R, Inc. located at 640 West Prospector Court.**
  - B. **A resolution in relation to County Special Permit 176, requested by Monsignor T. J. Thorburn for Carmel of Jesus, Mary and Joseph, for authority to construct and operate a monastery for cloistered nuns, on property generally located at the northeast corner of Northwest 98<sup>th</sup> Street and West Agnew Road in Lancaster County, Nebraska. (R-00-36)**
  - C. **An agreement with R. Russell Orr Land Surveying for surveying services for the County Engineer at 14<sup>th</sup> and Raymond Road, in the amount of \$420. (Project C55-CF-405(2)) (C-00-143)**
  - D. **An agreement with Community Land Surveyors and Engineers, Inc. for surveying services for the County Engineer on South 68<sup>th</sup> Street, in the amount of \$450. (Project C55-X-405(5)) (C-00-142)**
  - E. **An agreement with Allied Surveying and Mapping, Inc. for surveying services for the County Engineer on Southwest 33<sup>rd</sup> Street, Pleasant Hill Road, West Fletcher Avenue and West Adams Street, in the amount of \$4,850. (C-00-144)**
  - F. **A leasehold contract between the County Engineer and Gerald Martin Mills, in the amount of \$10, in connection with bridge replacement south of North 162<sup>nd</sup> Street and Branched Oak Road. (Project BRO-7055(98)) (C-00-151)**

6) **CONSENT ITEMS CONTINUED:**

**G. Rights-of-way contracts between the County Engineer and the following for bridge replacement south of North 162<sup>nd</sup> Street and Branched Oak Road (Project BRO-7055(98)):**

- < Gerald Martin Mills, in the total amount of \$4,016.50 (3 contracts) (C-00152 through C-00-154)**
- < Lois J. Meyer, in the total amount of \$1,449 (3 contracts) (C-00-148 through C-00-150)**
- < William H. and Cheryl Landon, in the amount of \$15 (C-00-147)**
- < Verna M. Strode, in the total amount of \$490 (C-00-146)**
- < Thomas E. Maass II and Diana L. Maass, in the total amount of \$2,546 (3 contracts) (C-00-155 through C-00-157)**

**MOTION:** Heier moved and Steinman seconded approval of the Consent Items. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Heier moved and Steinman seconded adjournment of the Board of Commissioners meeting. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.